Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Joint Application by SBC Communications Inc., Illinois Bell Telephone Company, Indiana Bell Telephone Company Incorporated, The Ohio Bell Telephone Company, Wisconsin Bell, Inc., and Southwestern Bell Communications Services, Inc. for Provision of In-Region, InterLATA Services in Illinois, Indiana, Ohio, and Wisconsin	)	**WC Docket No. 03-167**

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR'S INITIAL COMMENTS ON PETITIONERS' REQUEST FOR INTERLATA AUTHORITY IN THE STATE OF INDIANA

The Indiana Office of Utility Consumer Counselor ("OUCC"), the statutory representative of Indiana ratepayers, consumers and the public pursuant to Ind. Code § 8-1-1.1-4.1, submits the following initial comments for the Federal Communications Commission's ("FCC's") consideration in this proceeding initiated by Indiana's Regional Bell Operating Company ("RBOC"), Indiana Bell Telephone Company, Incorporated, d/b/a SBC Indiana, f/k/a Ameritech Indiana, and various other SBC affiliates under 47 U.S.C. § 271.

The OUCC opposes the granting of Section 271 relief to SBC Indiana at this time. Several outstanding issues must be resolved before SBC can show that Indiana's local exchange market has been irreversibly opened to competition. First, SBC Indiana filed its petition with the FCC before it completed operating support system ("OSS") testing which had been agreed to by SBC and all of the parties to the underlying proceeding before the Indiana Utility Regulatory Commission ("Indiana Commission" or "IURC") and approved by the Indiana Commission in Cause No. 41657. The OUCC believes that SBC Indiana should be held to the OSS testing commitments it made before it is permitted to reap the rewards of entry into Indiana's interLATA telecommunications market.

Holding SBC to the commitments it made is important not just because of the need to establish commercial trust based on fair dealings between SBC Indiana and Indiana competitive local exchange carriers ("CLECs"), but also because SBC Indiana has still not resolved serious wholesale billing problems that have plagued Indiana's CLEC community for years. Further SBC's legal challenges to UNE rates established by the IURC make it impossible to evaluate the true state of competition in Indiana. The FCC should not grant interLATA authority to SBC Indiana until SBC has proven that its Indiana incumbent local exchange carrier ("ILEC") service territory has been fairly and irreversibly opened to competition – something that SBC has not yet done with respect to its Indiana ILEC service territory.

A. SBC Indiana's Request for Authority to Provide InterLATA Interexchange Service Under 47 U.S.C. § 271 is Premature.

On April 16, 2003, FCC Chairman Michael Powell acknowledged that, "The FCC cannot approve . . . [271] applications by the Bell Companies unless they satisfy the requirements of section 271." (See Chairman Powell's April 16, 2003 public statement concerning SBC's withdrawal of its 271 application for

Michigan.) The promise of future compliance should not be deemed to satisfy Section 271 requirements - actual compliance should be demonstrated. See, *e.g.*, Section IV of the FCC's Memorandum Opinion and Order in CC Docket No. 97-137 (rel. August 19, 1997), denying the first application Ameritech Michigan filed at the FCC seeking interLATA operating authority under TA-96.

Thanks to the efforts of a broad range of parties, much has been accomplished in the state proceeding since it was initiated by SBC (formerly Ameritech Indiana) in February of 2000:

- Performance measurements have been developed and subsequently modified by agreement to produce more effective and meaningful measures of SBC Indiana's OSS performance.

- The third-party "pass-fail" test conducted by Bearing Point with assistance from Indiana's "pseudo-CLEC," Hewlett Packard, has substantiated SBC's OSS performance in some areas, while also uncovering numerous problems, a number of which have since been resolved. However, a number of problems identified will require additional attention before a solution is identified and implemented.

- SBC has submitted several compliance plans to help it reach and/or demonstrate future compliance with various requirements on the 14-point checklist established in 47 U.S.C. § 271.

- In the wake of controversy concerning an Indiana Commission ordered Performance Remedy Plan (an order that is still on appeal in the Seventh Circuit Court of Appeals), SBC also presented a proposed compromise Performance Remedy Plan that it previously negotiated with Time Warner Telecom, the terms of which are now available to other interested CLECs.

- SBC presented other evidence to support its claimed compliance with various state and federal regulatory requirements applicable to SBC.

Despite this progress, much remains to be done. A number of the parties to this proceeding would have preferred to see completion of SBC's OSS testing and resolution of lingering problems identified through OSS testing before filing any comments on the status of SBC's compliance with federal market opening requirements and before the Indiana Commission was required to make findings or issue orders on the status of SBC Indiana's compliance with 47 U.S.C. § 271.

However, the Indiana General Assembly adopted Senate Concurrent Resolution 0048 in the First Regular Session of the 113th Indiana General Assembly (2003), which specifically addressed SBC Indiana's pending request for a favorable Section 271 recommendation from the Indiana Commission to the FCC. Section 6 of that Resolution urged the Indiana Commission to issue a report on the status of SBC Indiana's compliance with federal market opening requirements by June 30, 2003. In working to meet that deadline, the Indiana Commission had little choice but to issue an order before all remaining 271 compliance issues were resolved.

The Indiana Commission's July 2, 2003 Compliance Order made it clear that the Indiana Commission expected at least one additional OSS testing report from Bearing Point before the testing required under the agreed Master Test Plan could be complete. Language used in Attachment A to the Indiana Commission's July 2, 2003 Order urged SBC to cooperate with Bearing Point so that all outstanding OSS testing could be completed and a final report submitted by Bearing Point to the Indiana Commission by October 31, 2003. Despite the Indiana Commission's discussion of unresolved issues, SBC Indiana jumped on the band wagon with three other former Ameritech states to file a multi-state Section 271 petition at the FCC on July 17, 2003. It could not have reasonably escaped SBC Indiana's attention that such an approach would guarantee that the FCC's 90-day deadline for ruling on the multi-state petition would run before the October 31, 2003 deadline the Indiana Commission set for the next (and hopefully final) updated OSS testing report from Bearing Point. The timing of SBC's filing at the FCC, in essence, is an end-run around any meaningful state review and substantiation of SBC Indiana's claimed compliance with federal market opening requirements under SBC's agreed Indiana Master Test Plan and is therefore premature.

B. <u>Granting SBC's Premature Petition for Section 271 Approval Will Not Significantly Further the Development of Telecommunications Competition in Indiana.</u>

The Indiana Commission's analysis of the development of competition in Indiana's local exchange market since the passage of the Telecommunications Act of 1996 ("TA-96") is documented in the Indiana Commission's Annual Reports to the Regulatory Flexibility Committee, a committee established by the Indiana General Assembly to monitor the development of utility competition in Indiana. (Copies of those reports are available on the Indiana Commission's web page: www.state.in.us/iurc.) Those reports document SBC's continued monopoly market power inside its Indiana ILEC service territory. Given the continued uncertainty concerning SBC's wholesale service offerings in Indiana, it appears unlikely that SBC's market power would be significantly reduced any time soon.

SBC claims that the interest of increasing competitive alternatives in Indiana's interLATA, interexchange service market should compel 271 approval for SBC Indiana without further delay. However, materials available on the Indiana Commission's web page demonstrate that Indiana already has numerous competitive interLATA service providers. Generic orders entered several years ago in IURC Cause No. 38149 went so far as to eliminate tariff filing requirements for resellers of intra-state interexchange services, since there was already vibrant competition in Indiana's interexchange market.

The real issue in this case is not whether another provider should be authorized to provide interLATA telecommunications service in Indiana. The real issue is whether SBC Indiana's <u>local</u> <u>exchange</u> <u>market</u> is irreversibly open to competition, justifying the unleashing of Indiana's giant RBOC into Indiana's already competitive interLATA interexchange service market. Once that permission is granted, the TA-96 market-opening "carrot" will be gone.

SBC holds out a promise that it will offer attractive new services, service packages, and pricing options to Indiana consumers once it receives Sec. 271 inter-LATA toll authority from the FCC. However, such promises do not justify premature interLATA market entry by SBC. Rather, they underscore the importance of regulatory measures to ensure that SBC not be permitted to drag its feet in resolving outstanding OSS compliance issues. Indiana CLECs must be able to compete on fair terms with SBC in providing local exchange service to customers in SBC's Indiana ILEC service territory. Only with fair and open competition will Indiana consumers be able to enjoy the intended fruits of telephone competition in Indiana's local and toll service markets – namely, a greater variety of available telecommunication services and service packages at lower, more desirable end user rates. Absent such consumer benefits, there is little or no justification for allowing additional competitive entry into Indiana's already highly-competitive interLATA toll market.

C. SBC Indiana Should Be Required to Honor the Written OSS Testing Commitments It Made.

SBC Indiana (then known as Ameritech Indiana) itself proposed the use of "military style" testing in IURC Cause No. 41657, the state precursor to this FCC proceeding. This testing philosophy was described by SBC as follows in Exhibit A to the Petition it used to initiate IURC Cause No. 41657:

> **The Test Should be Military Style.**
> A military style testing philosophy should be adopted. This requires a "test until you pass" approach. This means that if a problem is encountered during a test, the third party tester will inform the Commissions and Ameritech of the problem and provide an assessment of required remedial actions. Ameritech will either clarify the issue or provide a remedy. If the remedy requires a change to a process, system, or document, the third party tester will retest as appropriate. If the problem is not resolved, the cycle will be repeated until a solution is reached, no further action is warranted, or the Commissions specifically exempt the problem from further action.

See p. 12 of Exhibit A to Ameritech Indiana's Petition initiating IURC Cause No. 41657.

In a subsequent filing Ameritech [now SBC] made in IURC Cause No. 41657 on March 14, 2001, Ameritech/SBC commented further on the "test until pass" military approach to OSS testing:

> **Test Until Pass Approach**
> The test is expected to be conducted using a "test until pass" approach. This is believed to be in the best interest of all parties seeking an open, competitive market for local telephone services in Indiana.

See p. 8, Section G of the March 9, 2001 Master Test Plan Prepared for the Indiana Commission by KPMG Consulting (now known as Bearing Point), which was filed with the Indiana Commission in Cause No. 41657 on March 14, 2001 as part of the Corrected Joint Petition for Approval of Indiana Master Test Plan.

At a time when CLECs should be able to enjoy greater confidence in written commitments by Indiana ILECs, SBC's apparent attempt to dodge commitments that it itself proposed under the Indiana Master Test Plan is harmful to the growth and development of Indiana's CLEC community. Instead of following the military-style testing commitments previously made in IURC Cause No. 41657 that require SBC to complete comprehensive third-party testing of its OSS on a "test until pass" basis, SBC is jumping the gun by urging the FCC to approve its request for Section 271 authority before OSS testing is complete. The FCC should not encourage or reward such efforts by SBC.

D. SBC Indiana's Wholesale Market Performance Testing Is Incomplete.

Bearing Point (formerly KPMG) is conducting OSS testing of SBC Indiana in accordance with Indiana Commission Orders in Cause No. 41657 approving agreements between SBC, various Indiana CLECs, and the OUCC concerning the terms and conditions of an agreed Master Test Plan to be used to verify SBC Indiana's compliance with agreed OSS performance measures (also approved by the Indiana Commission in Cause No. 41657) to confirm SBC Indiana's compliance with federal market-opening requirements in 47 U.S.C. § 271(c).

Bearing Point has not yet completed testing under the Master Test Plan, as demonstrated in its February 28, 2003 and May 12, 2003 Interim Reports. The military-style testing (i.e., the "test until you pass" method of testing approved in the Indiana Master Test Plan) is not yet complete. (See, e.g., p. 10 of Bearing Point's February 28, 2003 Interim Report, which indicates that SBC has "not satisfied" 103 out of 816 total performance measures for Indiana, and p. 10 of Bearing Point's May 12, 2003 Interim Report, which indicates that SBC still has not satisfied 81 of those performance measures.) Under the agreed Indiana Master Test Plan, if SBC fails to pass any of the agreed OSS test requirements, it must request and obtain waivers of all unmet requirements from the Indiana Commission, in essence requesting that the Indiana Commission deem points of continued non-compliance to be non-material or inconsequential to SBC's compliance with the requirements in 47 U.S.C. § 271. In the absence of such waivers from the Indiana Commission, the FCC should not grant Section 271 relief to SBC Indiana.

The military style testing the parties agreed upon and the Indiana Commission approved for testing SBC Indiana's OSS performance was designed to ensure that all parties were treated fairly. The CLECs and the OUCC consented to SBC's recommendation that Bearing Point conduct the independent third-party testing, in collaboration with a "pseudo-CLEC," Hewlett Packard. The parties collectively spent countless hours developing and updating meaningful performance measures for Bearing Point to use in testing and reporting on SBC

Indiana's OSS performance. Indiana's CLECs should be afforded the full protection provided by the agreed OSS testing methodology and standards that were approved by the Indiana Commission for use in verifying SBC's compliance with 47 U.S.C. § 271.

Comparing the charts on page 10 of Bearing Point's May 12, 2003 report to those in the February 28, 2003 report showed the number of evaluation criteria in the "Not Satisfied" category has been reduced from 103 to 81 (out of a total of 816 criteria). If that pace continues, it would take another 10 months to resolve the remaining items in the "Not Satisfied" category of the ongoing OSS testing. The "Indeterminate" test result category also declined from 108 to 83 (again, out of a total of 816 criteria).

The detailed results on pages 11 and 12 of Bearing Point's May 12, 2003 Interim Report identify specific problem areas. For example, the PMR-1 test shows 31 "Not Satisfied" and 30 "Indeterminate" test results for a total of 61 potential deficiencies out of 126 evaluation criteria for PMR-1. In other words, nearly half of the criteria under PMR-1 have not been met. Similarly, PMR-4 has 35 potential deficiencies out of a total of 72 criteria; PMR-5 has 45 deficiencies out of a total of 72 criteria; and TVV-2 has 11 deficiencies out of a total of 44 evaluation criteria.

As of May 12, 2003, the Status Report on Exceptions showed 36 "Exceptions" still open, out of a total of 819 total exceptions identified by Bearing Point during OSS testing. However, the number of open exceptions can be misleading because a single exception could adversely affect any number of system functions, resulting in multiple performance deficiencies. Those "Exceptions" should all be closed – whether by compliance or by the granting of waivers by the Indiana Commission under the Master Test Plan – before SBC Indiana is granted relief under 47 U.S.C. § 271.

The March 14, 2003 Affidavit of SBC witness James D. Ehr contains a comprehensive review of performance measure details associated with the ongoing testing of SBC's operating support systems for Indiana. A total of 150 performance measures are divided into nearly 1,800 wholesale reporting categories. The agreed adoption of performance measures and reporting categories for SBC Indiana was the result of many months of collaborative discussions and a great deal of work by industry and regulatory participants. While more work undoubtedly remains for Indiana's market to be "irreversibly open" to competition, Mr. Ehr's affidavit shows that SBC Indiana is moving closer to being able to provide interconnection, access to network elements, and wholesale services to requesting Indiana CLECs in a nondiscriminatory manner.

The primary "Hit or Miss Report" for the three months of commercial performance results (for November, 2002 through January of 2003) attached to Mr. Ehr's Affidavit showed a total of 26 "misses" – meaning that SBC Indiana did not pass the statistical test in two or more of the months during the study period. The actual count of measures that failed the test during each of those three months was as follows: 28 for November, 2002; 40 for December, 2002; and 40 for January, 2003. Therefore the month-to-month data recorded during the study period failed to demonstrate any improvement in SBC's OSS performance during that time.

Mr. Ehr's Affidavit also described the scope of Ernst & Young's ("E&Y") examination conducted on behalf of SBC. The purpose of the E&Y review was to validate the accuracy and completeness of SBC Indiana's performance measurement reporting and to review the effectiveness of SBC Indiana's controls and its compliance with applicable business rules.[1] E&Y audited performance results for the months of March, April, and May 2002, in accordance with Version 1.8 of SBC Indiana's business rules, to ensure the accuracy of performance results reported for that 3-month period. Note that E&Y's audit and report do not speak to whether individual test results constituted passing or failing test scores based on agreed performance measures approved for SBC Indiana. Out of a total of 64,062 transactions tested, only 817 involved errors or exceptions, for an error rate of 1.3%.[2] The E&Y report gives credence to reported OSS test results. However, the results of the E&Y review are not intended to measure the quality or timeliness of the OSS functions being tested. Rather, the true indicators of SBC Indiana's OSS performance are the actual performance measurement test results compiled by Bearing Point.

Continued problems with lost orders and wholesale billing confirm that SBC's OSS falls short of the market opening requirements in the Telecommunications Act of 1996 ("TA-96"). Those problems are of fundamental concern to Indiana's CLEC community and to CLECs choosing not to enter the Indiana market. Until CLECs can trust that their orders will be correctly and

[1] See p. 4 of March 14, 2003 Ehr Affidavit.
[2] See table of data on p. 80 of March 14, 2003 Ehr Affidavit.

smoothly processed and that they will be accurately and fairly billed for services or UNEs purchased from SBC, their entry into Indiana's competitive local exchange market will be unnecessarily restricted or delayed. Unless CLECs are able to trust the integrity of SBC's wholesale service operations and its processing and recording of wholesale performance results, the risk of proceeding with competitive entry in SBC's ILEC service territory will outweigh the expected gains. If CLECs are not able to provide quality service to their customers due to problems with SBC's wholesale service processes or systems, they stand to lose not only existing customers, but prospective customers that hear about service interruptions, missing service options, and billing problems encountered by customers who switched from SBC to a CLEC, only to switch back to SBC after experiencing service problems that could and should have been avoided if SBC's wholesale service processes and systems had been working properly.

If SBC's OSS records fail to properly document system errors uniquely within SBC's control, CLECs risk losing their own business reputation by entering the market in SBC service territory before SBC's OSS problems have been identified, properly documented, remedied and resolved. Accordingly, SBC's OSS lost order and billing problems have not only caused delay in the ongoing OSS testing, until they are resolved, they will serve as an effective barrier to CLEC entry or business expansion inside SBC's ILEC service territory. The OUCC expects SBC's remaining OSS problems to be corrected eventually. Certainly the process of developing a sound OSS system is a complicated one.

However, SBC has chosen to file its FCC application at a time when the next round of testing is not complete, so it is not yet possible to know how far SBC has progressed since Bearing Point's May 12, 2003 Interim Report. Until a sound OSS system is in place, it is premature to grant SBC Indiana's request for FCC approval under 47 U.S.C. § 271 for interLATA operating authority.

That is the very situation that prompted SBC Michigan's April, 2003 withdrawal of its third Petition for FCC approval under 47 U.S.C. § 271 in WC Docket No. 03-16. Although SBC Michigan recently re-filed its FCC petition for 271 authority under WC Docket No. 03-138, even after the three additional months between SBC Michigan's April, 2003 withdrawal of its Petition in WC Docket No. 03-16 and its July 17, 2003 re-filing under WC Docket No. 03-138, it has not made sufficient improvement in its wholesale billing system to change the United States Department of Justice's position of not supporting Section 271 relief for SBC in Michigan. See pp. 4-9 and 15 of the Evaluation of the United States Department of Justice filed in WC Docket No. 03-138 on July 16, 2003.

Like its sister-RBOC in Michigan, SBC Indiana continues to wrestle with unresolved wholesale billing problems that must be corrected before the Section 271 "carrot" is handed to SBC. SBC's wholesale billing problems were observed by Bearing Point as early as December of 2001 (Observation No. 174). Despite the parties' attempts to identify and eliminate those wholesale billing problems through collaborative workshops and conference calls conducted over a period of several years, no satisfactory solution has been implemented. The failure to identify a solution is both puzzling and troubling, given that SBC has apparently implemented workable wholesale billing systems in other SBC states where 271 approval has already been granted. Nevertheless, it is clear that additional work is required before SBC Indiana's wholesale billing system will meet the mark for the granting of Section 271 authority to SBC for the State of Indiana.

E. Uncertainty Resulting from SBC Indiana's Ongoing Litigation of Key Competitive Issues Precludes Finding that Indiana's Local Exchange Market Is "Irreversibly" Open to Competition.

The OUCC does not begrudge SBC its right to have its day in court, but the fact remains that unresolved legal challenges have led to continued market uncertainty as to interconnection agreements and UNE rates.

SBC Indiana claims that the number of interconnection agreements in effect for Indiana demonstrates the openness of SBC's local exchange market. However, Indiana CLEC front-runners have fought long, hard legal battles to reach arbitrated "agreements" with SBC, only to find the Indiana Commission's arbitration decisions tied up in federal review proceedings and appeals for many months or even years. As the incumbent monopolist with control of critical bottleneck local exchange facilities, SBC's continued controlling market power in Indiana precludes any meaningful negotiation between market equals. Therefore, interconnection disputes will still have to be resolved through arbitrations, and SBC's propensity to appeal adverse Indiana Commission decisions continues to inject significant delay and uncertainty into that process.

SBC Indiana has also filed numerous state and federal appeals challenging key Indiana Commission rulings on UNE pricing issues for SBC

Indiana in IURC Cause Nos. 40611,[3] 40611-S1 (Phase 1)[4] and 40611-S1 (Phase 2)[5]. All of the Indiana Commission's UNE pricing orders for SBC Indiana are currently being appealed by SBC. That continued uncertainty regarding SBC's UNE rates could constitute an additional barrier to CLEC market entry or business expansion in SBC's Indiana service territory.

If pre-approved, uniform UNE rates established by the Indiana Commission are not used as default rates in interconnection agreements (or at least as a starting point for negotiations), the setting of UNE rates on a carrier-by-carrier basis in individual interconnection agreement negotiations or arbitrations could foster special treatment or favoritism. Section 251(c)(2)(D) of TA-96 requires that ILECs such as SBC Indiana provide interconnection "on rates, terms, and conditions that are just, reasonable and <u>non-discriminatory</u>…." (Emphasis added.)

The requirements Congress built into 47 U.S.C. § 271 are intended to ensure that an RBOC has <u>irreversibly</u> opened its markets to competition before the RBOC is rewarded with additional and otherwise unavailable interLATA operating authority. For a market to be truly open, competition must be fair. The interLATA operating authority "carrot" built into TA-96 provides critical incentive

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[3] See Case No. 93A02-0102-EX-95 in the Indiana Court of Appeals and Case No. IP01-0219-C-Y/S in the U.S. District Court for the Southern District of Indiana, Indianapolis Division.

[4] See Case No. 93A02-0204-EX-344 in the Indiana Court of Appeals and Case No. IP02-0656-C-B/S in the U.S. District Court for the Southern District of Indiana, Indianapolis Division.

[5] See Case No. 93A02-0303-EX-226 in the Indiana Court of Appeals, which was recently consolidated with the 40611-S1(Phase I) appeal under Case No. 93A02-0204-EX-344, and Case No. IP02-0656-C-B/S in the U.S. District Court for the Southern District of Indiana, Indianapolis Division, recently amended to cover both the orders entered in Phase 1 and Phase 2 of IURC Cause No. 40611-S1.

for RBOCs to engage in competition that is "fair." Given the importance of the issues involved in those pending appeals and their potential impact on the development of competition in SBC Indiana's incumbent local exchange territory, SBC's unresolved appeals make its market opening claims premature.

To be sure, some timing issues remain outside SBC's control. For instance, short of dismissing its pending appeals, SBC cannot dictate or even predict when reviewing courts will issue their decisions. However, the resolution of UNE rate issues currently on appeal is critical to the survival and the successful development of competition in Indiana's local telephone exchange markets. When those appeals are fully and finally resolved, the impacts of the final decisions could significantly alter current levels of competition in SBC Indiana's local exchange markets. Therefore, until the Indiana Commission can fairly measure the impact of final court rulings in those pending appeals, it is impossible to make any unconditional recommendation concerning SBC's request for Sec. 271 approval in Indiana.

F. <u>Conclusion</u>

It is unreasonable for SBC to expect an early resolution of this checklist compliance proceeding when SBC's own actions continue to delay a finding that a truly open local exchange market exists in SBC's Indiana ILEC service territory. SBC Indiana's request for relief under 47 U.S.C. § 271 should be placed on hold until fundamental issues have been resolved – namely, performance measurement compliance testing and unbundled network element pricing. The above considerations weigh against a finding at this time that SBC Indiana has irreversibly opened its traditional monopoly local exchange market's door to competition.

Given ongoing OSS testing, continued problems with SBC's wholesale billing, and pending appeals of key Indiana Commission UNE rate decisions, it is simply impossible for SBC Indiana to present sufficient evidence at this time to establish that the local exchange market in SBC's Indiana ILEC service territory has been irreversibly opened to competition. Accordingly, if SBC Indiana fails to voluntarily withdraw its Section 271 Petition before the FCC rules on this Petition, the FCC should deny SBC Indiana's request for interLATA approval under Section 271 of TA-96 until such time as the above issues have been fully resolved.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that an electronic copy of the foregoing **Indiana Office of Utility Consumer Counselor's Initial Comments on Petitioners' Request for InterLATA Authority in the State of Indiana** has been filed with the Federal Communications Commission using the Commission's Electronic Comment Filing System (ECFS) on August 6, 2003. This will also certify that electronic copies of the foregoing comments were also served via e-mail on the following individuals, in conformance with the Commission's July 17, 2003 published request for comments:

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